

**ORDINANCE NUMBER 2016-1996**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES  
CONCERNING IMPROVEMENTS AND PROPERTY AT THE  
CITY CEMETERIES**

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**WHEREAS**, pursuant to § 11-47-40 of the *Code of Alabama*, the City has the power to own, regulate, and control municipal cemeteries;

**WHEREAS**, Chapter 22 of the Code of Ordinances of the City of Athens, Alabama sets forth the City's rules and procedures governing its municipal cemeteries;

**WHEREAS**, the city council wishes to amend the provisions of Chapter 22 to clarify procedures relating to improvements on cemetery lots and personal property left on cemetery lots; and

**WHEREAS**, the city council finds that these amendments are in the best interest of the general public.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on September 26, 2016, at 5:30 p.m., as follows:

**Section 1.** Section 22-2 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-2. - Same—Care and supervision of cemeteries.**

The cemetery department shall take care of and preserve the city cemeteries, and shall protect all graves, tombs, tombstones, monuments, fixtures and ornaments that have been properly erected in the city cemeteries. The cemetery department shall see that the city cemetery grounds are kept in good order, and exercise general supervision and protection of city cemeteries.

**Section 2.** Section 22-12 of the *Code of Ordinances of the City of Athens,*

*Alabama* is hereby amended so that it states as follows:

**Sec. 22-12. - Improvements—Permit requirement; removal.**

(a) *Permit required for improvements.* Before any improvement (including a monument, tombstone, barrier, fill, flagpole, fixture or any other item reasonably appearing to be intended as a permanent addition) shall be made in the city cemetery by any person, such person must obtain an improvement permit authorizing the location, kind and character of the improvement from the cemetery department, and there shall be paid by such person desiring the permit the sum of \$10.00. The cemetery department may determine whether or not to approve such permit, taking into account, among other things, whether the proposed improvement is detrimental or otherwise interferes with the adjacent lots or avenues, and whether it would interfere with the cemetery department's maintenance and control over the cemetery and its good order.

(b) *Removal of dangerous improvements.* If, in the judgment of the cemetery department, any improvement presents a significant risk of injury or other danger, then the cemetery department may immediately remove such improvement, with or without notice, whether or not the same has been authorized by a permit, and dispose of the improvement.

(c) *Removal of unauthorized improvements.* Any improvements made without a permit are subject to removal and disposal by the cemetery department, as follows.

(1) Upon determination that an improvement has not been authorized, the cemetery department shall provide notice of such determination (i) to any living owner of the burial lot or grave that appears on the cemetery department's records, by regular United States mail, and (ii) by posting a sign or marker on the lot or grave containing the improvement.

(2) A person responding to the notice shall have thirty (30) days to remove the improvement, or to obtain approval of the improvement from the cemetery department pursuant to (a), above.

(3) If the improvement is not removed, or approval of the cemetery department obtained, within thirty (30) days of the notice, then the cemetery department may remove the improvement, and dispose of the same in any manner that it deems fit.

**Section 3.** Section 22-13 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-13. - Same—Foundations; construction, material.**

(a) Every foundation of an improvement to be built in a city cemetery shall be under the supervision of the cemetery department. The person for whose benefit the same shall be constructed shall be charged only the cost thereof.

(b) All foundations for improvements shall be made of solid masonry.

**Section 4.** Section 22-14 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-14. - Removal of earth and rubbish.**

All earth or rubbish, accumulated by the owners of burial rights, or their agents or workers, in connection with a burial or erection of an improvement, must be removed as soon as possible; otherwise it will be done by the cemetery department at the expense of the owner of burial rights with respect to such lot.

**Section 5.** Section 22-15 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-15. - Removal of dangerous trees, shrubs, and decorative items or other items of personal property.**

(a) *Removal of trees and shrubs.* If any trees or shrubs situated in any lot shall by means of their roots, branches, or otherwise become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to any person, in the cemetery, the cemetery department may remove such trees or shrubs, or such parts thereof, as may be necessary.

(b) *Prohibited items; removal.* No perishable food item, item subject to decay, or item that is dangerous to the public shall be placed on a lot or grave. If such item is placed on a lot or grave, the cemetery department may remove such item, or any part thereof as may be necessary, and dispose of said removed property.

(c) *Other items of personal property.* Other items of personal property, including but not limited to decorative items and artificial flowers, shall be permitted on a lot or grave only as allowed by rules and regulations issued by the cemetery department. The cemetery department may remove such items, or any parts as may be necessary, and dispose of said removed property, to the extent that the same violate such rules and regulations.

**Section 6.** No other parts of the Code of Ordinances are amended by this Ordinance. This Ordinance shall become effective immediately upon its lawful publication.

**Section 7.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered as may be necessary to conform to the uniform numbering system of the Code.

**ADOPTED** this the 26th day of September, 2016.

  
WAYNE HARPER, CITY COUNCIL PRESIDENT

**APPROVED** this the 26th day of September, 2016.

  
WILLIAM R. MARKS, MAYOR

**ATTEST:**

  
ANNETTE BARNES, CITY CLERK

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 26th day of September, 2016.

Witness my hand and seal of office this the 26<sup>th</sup> day of September,  
2016.

Annette Barnes  
Annette Barnes, City Clerk